



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5636

Introduced 2/15/2012, by Rep. Dave Winters

SYNOPSIS AS INTRODUCED:

525 ILCS 40/6

from Ch. 96 1/2, par. 5907

Amends the State Forest Act. Removes language that provides the Department of Natural Resources shall establish and operate nurseries to produce and distribute plants and plant materials. Removes language that the Department shall provide, without charge, plants and plant materials to various entities, including State agencies and local governments, for conservation and commemorative plantings. Provides that the Department shall not sell plant and plant materials to the general public, mining companies, and other industries. Removes the provision that Christmas trees, roundwood, and other materials derived from State distributed plants or plant materials may be utilized, sold, or removed. Effective immediately.

LRB097 20220 CEL 65657 b

1 AN ACT concerning conservation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Forest Act is amended by changing
5 Section 6 as follows:

6 (525 ILCS 40/6) (from Ch. 96 1/2, par. 5907)

7 Sec. 6. The Department shall have the authority to take all
8 measures necessary to secure plants and plant materials from
9 private sources ~~and to establish and operate nurseries to~~
10 ~~produce and distribute plants and plant materials.~~ The
11 Department shall develop and implement a program of securing
12 plants and plant materials from private sources. ~~The Department~~
13 ~~shall utilize the most modern methods and techniques to operate~~
14 ~~its nursery facilities.~~

15 The plants and plant materials secured ~~or produced~~ shall be
16 used exclusively for conservation purposes, such as for
17 wildlife habitat, erosion control, energy conservation,
18 natural community restoration, general reforestation,
19 research, commemorative plantings, and educational programs
20 such as Arbor Day. Plants and plant materials distributed by
21 the State shall not be used for ornamental, landscaping or
22 shade tree purposes. Plants and plant materials secured ~~or~~
23 ~~produced and distributed by the State nurseries~~ are to be

1 protected against abuses, such as may occur in the event of
2 livestock grazing or wildfire.

3 The Department may cooperate with any person or group
4 desirous of establishing plants or plant materials for
5 conservation plantings by (a) furnishing trees, shrubs, seeds
6 or other materials where deemed necessary or desirable, or (b)
7 providing labor, equipment and technical supervision to plan
8 and implement the conservation plantings, or both.

9 Plants and plant materials may be provided, upon approval
10 of a written management plan, ~~without charge~~ to individual
11 landowners, State agencies and institutions, local
12 governments, civic groups and others for conservation
13 plantings.

14 Plants and plant materials may be provided ~~without charge~~
15 to government agencies and institutions, organized groups or
16 individuals for special conservation plantings, research
17 plantings, educational purposes and commemorative plantings.

18 Plants and plant materials may be made available to ~~the~~
19 ~~general public, mining companies, other industries and~~
20 agencies of the federal government but shall be sold at a price
21 approximately equal to the cost of acquisition or production
22 and distribution.

23 ~~Products such as Christmas trees, roundwood and other~~
24 ~~materials derived from State distributed plants or plant~~
25 ~~materials may be utilized, sold or removed, except that no such~~
26 ~~plants shall be resold, bartered or given away and removed~~

1 ~~alive with the roots attached.~~

2 The Department may effect exchanges, purchases or sales
3 involving plants and plant materials with other states or with
4 agencies of the federal government.

5 The Department shall have the authority to make such rules
6 and regulations pursuant to the Illinois Administrative
7 Procedure Act as it deems necessary for carrying out,
8 administering and enforcing the provisions of this Act.

9 (Source: P.A. 91-357, eff. 7-29-99.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.